

REMARKS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4 and 9-35 remain pending in the present Application. Claim 8 has been canceled. Claims 1-4, 9-16, 18-22, 24-27, 29, 30, 32-33 and 35 have been amended to address cosmetic matters of form. Claim 8 has been canceled without prejudice or disclaimer. Claim 9 has been recast in independent form. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1, 2, 4-1 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; Claims 8, 11, 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hsu (U.S. Patent No. 5,584,023); Claims 15, 19, 21 and 28-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Iwayama et al. (U.S. Patent No. 5,832,083, hereinafter Iwayama); and Claims 3 and 16 stand rejected as being dependent upon a rejected base claim.

Applicants appreciatively acknowledge the identification of allowable subject matter as recited in Claims 1-7 and 16.

REJECTION UNDER 35 U.S.C. § 112

The Official Action has rejected Claims 1, 2, 4-11 and 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

Applicants have addressed the issues outlined in paragraph 4 of the Official Action. Accordingly, Applicants respectfully request that the rejection of Claims 1, 2, 4-11 and 13 under 35 U.S.C. § 112, second paragraph, be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 11, 13 and 14 under 35 U.S.C. § 102 as being anticipated by Hsu. The Official Action states that Hsu discloses all of the Applicants' claim limitations. Applicants respectfully traverse the rejection.

Amended Claim 11 recites, *inter alia*, an information processing apparatus including:

... the compression program compressing, or the encryption program encrypting, content data supplied via the interface and having been provided in different formats, in the same format or different formats, respectively, for storage into the storage medium, and converting into a common format, when reading from the storage medium the content data having been compressed or encrypted in the different formats, respectively, for use by the apparatus or delivery to a predetermined portable device.

By way of background, copy protection systems are provided to preclude the copying of original content. For example, copy protection systems may preclude copying all together, or, limit copying to a certain number of instances. However, in such systems, original content can sometimes be manipulated to be repeatedly duplicated to acquire plural second generation copies of original content data, thus circumventing copyright laws.¹ The provision of original content in multiple data formats further complicates copy protection schemes.

In light of at least the above deficiency in the art, the present invention is provided. With this object in mind, a brief comparison of the claimed invention, in view of the cited references, is believed to be in order.

Hsu describes a computer system (10) for performing a system of file transformations. The system includes a central processing unit (12) connected to a bus (14) having main memory unit (16). A disk controller (18) is provided for accessing disk drive (22) for communicating data along the bus to peripheral devices generally designated (20).²

¹ Application at pages 1-3.

² Hsu at Fig. 1; column 5, lines 42-53.

In operation, the Hsu system performs an encryption transform using the UNIX operating system. The system accesses a file storage subsystem for storing a file comprised of one or more blocks of data and a data storage subsystem for storing blocks of data in a first and second logical data area so that the processor executes instructions implementing a computer operating system in the first logical data area and an application program in the second logical data area.³

Conversely, in an exemplary embodiment of the Applicants' invention, an information processing apparatus is provided for receiving data of a first data format or different data formats for converting the received data format to a different data format or common data format including compression and encryption in accordance with the format. For example, when data is provided to the apparatus in an MP3 format, the data may be compressed and encrypted in accordance with ATRAC3 formatting.⁴ Hsu does not disclose or suggest receiving data in a first format and/or compressing the data in accordance with a second data format as recited in Applicants' Claim 11. Further, as Hsu deals with a specific operating system, such as UNIX, the processing of data in multiple data formats (i.e., operating systems) would render the Hsu device inoperable.

As Claims 11 and 13 recite substantially the same limitations discussed above, Applicants submit that these claims are likewise allowable over the cited reference. Accordingly, Applicants respectfully request that the rejection of Claims 11, 13 and 14 under 35 U.S.C. § 102 be withdrawn.

³ Hsu at column 5, line 42 through column 6, line 57; Abstract.

⁴ Application at page 24, lines 12-14.

The Official Action has rejected Claims 15, 19, 21 and 28-35 under 35 U.S.C. § 102 as being anticipated by Iwayama.

The Official Action states that Iwayama discloses all the Applicants' claim limitations. Applicants respectfully traverse the rejection.

Amended Claim 15 recites, *inter alia*, an information processing apparatus, including:

... means for controlling the usage of the content data stored in the first storage area according to a result of a comparison made between the result of the computation made by the computing means and that of the past computation which is stored in the first storage area.

Iwayama describes a data content utilizing device having a data storing section (3), an information converting section (1) and a utilization permitting device (2).⁵ The data storing section stores encoded data contents and encoded content identification information. The information converting section decodes data contents of the data storing section for reproduction. The utilization permitting device receives information for converting section identification information, content identification information and random numbers from the information converting section, and generates utilization permission information based on this information.⁶

In operation, the utilization permitting device generates utilization permission information for decoding data contents desired by a user from the data storing section. Conversely, an exemplary embodiment of the Applicants' invention, as recited in amended Claim 15, provides an information processing apparatus for managing content of a content data storage area in accordance with a computation based on management information. The structure is provided for controlling the usage of the content data according to a result of a comparison made between the result of the computation made by a computing structure and

⁵ Iwayama at Fig. 1.

⁶ Iwayama at column 8, lines 6 through column 9, line 36.

that of a past computation, which is stored in the first storage area. Iwayama does not disclose or suggest a comparison between a computation of a computing structure and that of a past computation, which is stored in a first storage area. As Claims 19 and 21 recite substantially the same limitations as discussed above, Applicants submit that these claims are likewise allowable over the cited reference.

Claims 28 – 35 recite a determination as to whether or not to move data stored in a first memory area to another apparatus along with the usage rule for the data. Iwayama does not disclose or suggest these aspects of the Applicants' invention. While the Official Action cites column 2, lines 49-57, as disclosing a permitting device, this permitting device is the control by which data is decoded; it is not an external apparatus, such as a portable music player for receiving data and associated usage rules. Accordingly, Applicants respectfully request that the rejection of Claims 15, 19, 21 and 28 – 35 under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-4 and 9-35, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

BDL:SAM:ycs

I:\ATTY\SAM\PROSECUTION WORK\203222\AMDT DUE 27NOV04.DOC

Scott A. McKeown
Registration No. 42,866